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December 14, 2009

**VIA ELECTRONIC FILING**

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Honorable Arlene R. Lindsay  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

Re: **Daniels v. Premium Capital Funding et al.**  
**Case Number 08 CV 4736 (LDW) (ARL)**

Dear Judge Lindsay:

We respectfully submit this joint letter on behalf of all sides to request an extension of the Court's scheduling Order in light of the circumstances of this case. As the Court may recall, by electronic Order dated September 2, 2009, the Court extended the schedule such that all discovery would be completed by December 21, 2009, the first step for any dispositive motion would be taken by January 4, 2010, and a final conference and pre-trial order submission would be on January 19, 2010.

Since the Court's September 2<sup>nd</sup> modification of the schedule, the parties have been working diligently in this proposed class action litigation. Specifically, the parties have exchanged written discovery, and have taken the depositions of two of the opt-in Plaintiffs and two of the Defendant representatives. At the same time, we have been actively pursuing a possible settlement, with the parties spending a good amount of time trying to find common ground for a possible settlement, both conceptually and financially.

We are at this time pleased to advise the Court that this week both sides jointly (and at a sizeable cost) retained the service of an outside mediator, Ruth Raisfeld, Esq. (of Ruth D. Raisfeld, P.C.), to engage in mediation. In light of the holiday and New Year, and Ms. Raisfeld's schedule, the full-day mediation has been scheduled for January 26<sup>th</sup> in New York City, with pre-mediation statements to be submitted by January 13<sup>th</sup>. The parties' joint focus and efforts are being utilized, as demonstrated by the cost of the mediation, to make sincere efforts to settle this case without further burdening the parties or this Court.

Honorable Arlene R. Lindsay  
December 14, 2009  
Page 2

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However, in all exercise of caution, if this case does not settle in mediation, Plaintiffs and Defendants will require additional discovery in light of this case's complexities. Specifically, both sides will require additional documents, as well as several additional depositions, the costs of which we, again, hope to avoid by pursuing mediation. The current scheduling deadlines, however, do not allow for the time needed by the parties to pursue outside mediation.

Accordingly, both sides respectfully request an extension of the schedule in this case for a period of 60 days after the parties' scheduled mediation, or, alternatively, a conference before Your Honor (or Judge Wexler) to discuss the status of this case in greater detail.

Respectfully yours,

COZEN O'CONNOR



By: Michael C. Schmidt (MS7841)

cc: Ryan F. Stephan, Esq. (via electronic filing)